

REMARKS

Claims 1-14 are pending. Claims 1 and 8 have been amended.

The Office Action indicates that the declaration is defective because it does not identify the foreign application on which priority is claimed. Attached hereto is a new declaration that identifies the priority document.

The Office Action rejects claims 1-14 under 35 USC 112 as being indefinite for failure to particularly point out and distinctly claim the subject matter claimed as the invention. Claim 1 is amended regarding antecedent basis. Regarding the term "control amount of the internal combustion engine", it is respectfully asserted that this term does not render the claim indefinite. Applicants are entitled to use a general term such as "control amount" that may read on more than one item in the specification. This term is explained in the specification, and is further defined in claim 6, for example. This general term does not render the claims indefinite and withdrawal of the rejection is requested.

The Office Action rejects claims 1-14 under 35 USC 102(b) over Yoshino (USP 6,251,046). This rejection is respectfully traversed.

In the claimed invention as recited in claims 1 and 8, the internal combustion engine is automatically stopped based on both the completion of learning based on the learning execution condition and the duration of time that has passed after the predetermined stopping condition has been fulfilled.

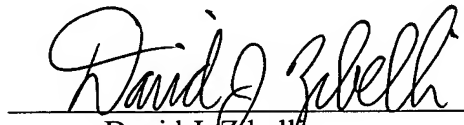
In contrast, Yoshino discloses that the engine is stopped if a predetermined time period elapses from the moment that the detected vehicle speed reaches the stop expected speed (col. 3, lines 51-67, col. 4, lines 33-37, and col. 6, lines 6-47). Learning of a control amount of the internal combustion engine is not disclosed. Thus, Yoshino does not disclose that the internal combustion engine is automatically stopped based on both the completion of learning based on the learning execution condition and the duration of time that has passed after the predetermined stopping condition has been fulfilled, as required by claims 1 and 8. Accordingly, Yoshino does not anticipate any claims of the application. Withdrawal of the rejection is requested.

PATENT
Serial No: 10/602,733
Docket No: 10517-176

The Examiner is invited to contact the undersigned at (202) 220-4232 to discuss any matter concerning this application.

Applicants do not believe that any additional fees are required in connection with this submission. Nonetheless, Applicants authorize payment of any additional fees under 37 C.F.R. § 1.16 or § 1.17 or credit of any overpayment to Deposit Account No. 11-0600.

Respectfully submitted,


David J. Zibell
Registration No. 36,394

Dated: May 3, 2005

KENYON & KENYON
1500 K Street, N.W. - Suite 700
Washington, DC 20005
Tel: (202) 220-4200
Fax: (202) 220-4201
560746

Attachment -- Declaration